IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

PUBLIC INTEREST LITIGATION NO.97 OF 2006

Bhartiya Lok Seva Samiti and others .. Petitioners
v/s.
The State of Maharashtra and others . .. Respondents

None for the petitioners.
Ms. A.R.S. Baxi for the respondent Nos.2 to 4.

CORAM : J.N. PATEL AND A.A. SAYED, JJ.
DATED : 4TH OCTOBER, 2007

P.C.

This Public Interest Litigation was filed against the respondents in respect of the state of affairs relating to electric supply prevailing in Mumbra Sub-Division. The petitioners pointed out various irregularities committed by the officials of the respondents and sought for order from this court that the respondents should be directed to take action against the corrupt officers, check up with their accounts and officers of respondent No.2 be desisted from issuing average billing and electricity bills be issued as per the meter reading. Further directions were sought in the nature that they should set right the electricity meters and take action against the persons who are committing theft of electricity and decide the complaints of bonafide customers within the stipulated period.

2. It is an admitted fact that after the petitioners brought to the notice of this court the irregularities and illegalities prevailing in Kalwa Division, the respondents have taken up the issue seriously. This court had called upon the Executive Engineer-Respondent No.2 to file an affidavit specifying the present state of affairs and accordingly, an affidavit-in-reply has been filed. On going through the affidavit-in-reply filed by the respondent No.2, this court is satisfied that the respondents had taken steps in the matter which has improved the state of affairs and they have been able to detect 389 theft cases and collected revenue of Rs.52.19 lakhs and Rs.20.26 lakhs as compounding charges for 211 cases from the said sub-division. They have also made improvement in the service lines given to the residential, commercial, industrial and agricultural purposes including street lines and attended the cases of faulty electric meters.

3. This court fails to understand as to why the authorities do not take action against the officials who are responsible for and working in operation and maintenance division as well as the officers who are responsible for distribution of electricity due to whose negligence, common man is required to suffer and there is a direct loss suffered by the Electricity Board which ultimately affects the public at large. The action is only being taken when Public Interest Litigations are filed in the court. Taking into consideration the fact that as of now, the respondents have taken necessary steps and have carried out the necessary work and taken up major schemes to rectify the major defaults, we are disposing of this petition subject to the respondent Nos.2,3 and 4 paying a sum of Rs.25,000/- together as cost. We make it clear that the respondent No.2 shall identify the officers who were at the relevant time incharge of the Electricity Board in Kalwa Division and recover the cost from their pocket and initiate disciplinary action against them if they so desire. Cost to be deposited in this

court within six weeks. On such cost being deposited, the same may be credited in the account of the High Court Legal Services Authority. On failure to deposit the cost, we direct the Collector, Thane to recover the same from the respondent No.2 as fine by resorting the provision of MLR Code and after procuring the amount, credit in the account of the High Court Legal Services Authority.

(J.N. PATEL, J.)

(A.A. SAYED, J.)